



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 6 अक्टूबर, 2009/14 आश्विन, 1931

हिमाचल प्रदेश सरकार

EXCISE AND TAXATION DEPARTMENT

NOTIFICATIONS

Shimla-171002, the 3rd October, 2009

No.EXN-F (6)1/2005 In partial modification of this Department's notification of even No. dated the 30th June, 2009, published in the Rajpatra, Hiamchal Pradesh (extra-ordinary) dated 2.7.2009, the following amendments are made:—

(i) Sub para (2) of para 1 will be substituted by the following namely:—

“ It shall apply to Homestay units coming into operation between July, 15th, 2008 and July, 14th 2013”.

- (ii) In para (3) before the word “where” appearing in the beginning, the words “ The Scheme shall apply” shall be inserted.
- (iii) In sub para (2) of para 4 for the words “operation of this scheme” the words “commencement of operation” shall be substituted.

Shimla-171002, the 3rd October, 2009

No.EXN-F (13) 1/98.—In exercise of the powers vested in him under Section 10 of the Himachal Pradesh Passengers and Goods Taxation Act, 1955(Act No. 15 of 1955) hereinafter referred to as the ‘said Act’ and whereas it is expedient to do so in public interest, the Governor of Himachal Pradesh is pleased to grant exemption from the operation of provision of this Act the chartered motor vehicles (excluding goods vehicles) in respect of Bus No.MH01LA 8272 and MH06-56150 used for transporting persons in Himachal Pradesh w.e.f. 5/10/2009 to 7/10/2009 for celebration of birth century of Dr. Ram Mohohar Lohiya.

By order,
Sd/-
Pr. Secretary.

योजना विभाग

अधिसूचना

शिमला, 17 सितम्बर, 2009

संख्या: पी0एल0जी0-ए (3)-1/2008.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश राज्य, योजना तन्त्र, योजना विभाग में सहायक अनुसन्धान अधिकारी, वर्ग-II (अराजपत्रित) के पद के लिए इस अधिसूचना से संलग्न (उपाबन्ध-क) के अनुसार भर्ती और प्रोन्नति नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम, हिमाचल प्रदेश राज्य योजना तन्त्र योजना विभाग सहायक अनुसन्धान अधिकारी, वर्ग-II (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2009 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तिया.—(1) अधिसूचना संख्या योजना-(ए)-3-5/88, तारीख 8-5-1991 द्वारा अधिसूचित तथा समय-समय पर यथा संशोधित हिमाचल प्रदेश राज्य, योजना तन्त्र योजना विभाग सहायक अनुसन्धान अधिकारी, वर्ग-II (अराजपत्रित) पद भर्ती और प्रोन्नति नियम, 1991 का एतद् द्वारा निरसन किया जाता है।

(2) परन्तु ऐसे निरसन के होते हुए भी उपर्युक्त उप-नियम 2 (1) के अधीन इस प्रकार निरसित सुसंगत नियमों के अधीन की गई कोई नियुक्ति, बात या कार्रवाई इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी।

आदेश द्वारा,
अरविन्द मैहता
प्रधान सचिव।

योजना विभाग हिमाचल प्रदेश में सहायक अनुसन्धान अधिकारी, वर्ग-II (अराजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम।

1. पद का नाम.—सहायक अनुसन्धान अधिकारी।
2. पदों की संख्या.—17 (सत्रह)।
3. वर्गीकरण.—वर्ग-II (अराजपत्रित)।
4. वेतनमान.—(i) नियमित पदधारियों के लिए वेतनमान रु 6400—200—7000—220—8100—275—10300—340—10640 रुपए।

(ii) संविदा कर्मचारियों के लिए उपलब्धियां.—रुपये 9600 /—प्रतिमाह (प्रारम्भिक मूल वेतन+मंहगाई वेतन) स्तम्भ संख्या 15 व में दी गई विवरण के अनुसार।

5. चयन पद अथवा अचयन पद.—चयन।
6. सीधी भर्ती के लिए आयु.—18 वर्ष से 45 वर्ष।

परन्तु सीधे भर्ती किए जाने वाले व्यक्तियों के लिए ऊपरी आयु सीमाएँ तदर्थ या संविदा के आधार पर नियुक्त किए गए व्यक्तियों सहित, पहले से ही सरकार की सेवा में रत अभ्यर्थियों को लागू नहीं होगी:

परन्तु यह और कि यदि तदर्थ या संविदा के आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो, तो वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिये पात्र नहीं होगा :

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जन-जातियों तथा अन्य वर्गों के व्यक्तियों के लिये ऊपरी आयु सीमा में उतनी ही छूट दी जा सकेगी, जितनी हिमाचल प्रदेश सरकार के साधारण या विशेष आदेश (आदेशों) के अधीन अनुज्ञेय है :

परन्तु यह और भी कि पब्लिक सेक्टर, निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सेक्टर, निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सेक्टर, निगमों/स्वायत्त निकायों में आमेदन से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु सीमा में ऐसी ही रियायत दी जाएगी जैसी सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार कि रियायत पब्लिक सेक्टर, निगमों तथा स्वायत्त निकायों के ऐसे कर्मचारिवृन्द को नहीं दी जाएगी जो पश्चात्पूर्व ऐसे निगमों/स्वायत्त निकायों द्वारा नियुक्त किये गये थे/किये गये हैं और उन पब्लिक सेक्टर निगमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात् निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से आमेदित किये गये हैं/किये गये थे।

टिप्पण.—1 सीधी भर्ती के लिये आयु सीमा की गणना उस वर्ष के प्रथम दिवस से की जाएगी जिसमें पद (पदों) को आवेदन आमंत्रित करने के लिए, यथास्थिति, विज्ञापित किया गया है या नियोजनालयों को अधिसूचित किया गया है।

टिप्पण.—2 अन्यथा सुअर्हित अभ्यर्थियों कि दशा में सीधी भर्ती के लिये आयु सीमा और अनुभव, हिमाचल प्रदेश लोक सेवा आयोग के विवेकानुसार शिथिल किया जा सकेगा।

7. सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं.—(क) अनिवार्य अर्हता:

किसी मान्यता प्राप्त विश्वविद्यालय से सांख्यिकी विषय सहित अर्थशास्त्र में अधिस्नातक (मास्टरज डिग्री) की उपाधि/गणित में अधिस्नातक की उपाधि/सांख्यिकी में अधिस्नातक की उपाधि या इस के समतुल्य

(ख) वांछनीय अर्हताएं

(i) सांख्यिकीय आंकड़ों के एकत्रीकरण, संकलन के क्षेत्र में तीन वर्ष का अनुभव।

(ii) उच्चतर अर्हता और अनुभव वालों को अधिमान दिया जाएगा।

(iii) हिमाचल प्रदेश की रुढ़ियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिये उपयुक्तता।

8. क्या सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं, प्रोन्नत व्यक्तियों की दशा में लागू होंगी या नहीं.—लागू नहीं।

9. परिवीक्षा की अवधि, यदि कोई हो.—दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा, जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे।

10. भर्ती की पद्धति: भर्ती सीधी होगी या प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता.—(i) पचास प्रतिशत प्रोन्नति द्वारा, ऐसा न होने पर प्रतिनियुक्ति/स्थानान्तरण द्वारा, दोनों के न होने पर सीधी भर्ती द्वारा।

(ii) यथास्थिति, पचास प्रतिशत सीधी भर्ती द्वारा नियमित आधार पर या संविदा के आधार पर भर्ती द्वारा। संविदा पर नियुक्त कर्मचारी स्तम्भ संख्या 15—क में दी गई उपलब्धियां प्राप्त करेगा और उक्त स्तम्भ में विनिर्दिष्ट सेवा शर्तों द्वारा विनियमित होगा।

11. प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण की दशा में श्रेणियां (ग्रेड) जिनसे प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण किया जाएगा.—राज्य योजना तन्त्र, योजना विभाग के सांख्यिकी सहायकों में से, जिन का पांच वर्ष का नियमित सेवा काल या इस रूप में की गई लगातार तदर्थ सेवा को सम्मिलित करके 5 वर्ष का नियमित सेवाकाल हो, प्रोन्नति द्वारा। ऐसा न होने पर अन्य सरकारी विभागों/पब्लिक सेक्टर उपक्रमों में सहायक अनुसंधान अधिकारी के पदधारियों में से, सेकेडमेंट/स्थानान्तरण द्वारा :

परन्तु प्रोन्नति, सेकेडमेंट/स्थानान्तरण के लिए पात्र कर्मचारी अर्थशास्त्र/गणित/सांख्यिकी में से किसी एक विषय में कम से कम स्नातक हों।

प्रोन्नति के सभी मामलों में, पद पर नियमित नियुक्ति से पूर्व सम्भरक पोषक पद में की गई निरन्तर तदर्थ सेवा, आदि कोई हो, प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना ली जाएगी, कि सम्भरक प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी:

परन्तु यह कि उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरक पद में अपने कुल सेवा काल (तदर्थ आधार पर की गई सेवा सहित जो नियमित सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किये जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/कांडर में उससे वरिष्ठ सभी व्यक्ति विचार किये जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रखे जाएंगे:

परन्तु उन सभी पद धारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा इनमें से भी थी कम हो, होगी:—

परन्तु यह और कि जहां कोई व्यक्ति पूर्वगामी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किये जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उस से कनिष्ठ व्यक्ति भी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा/समझे जाएंगे।

स्पष्टीकरण:—अन्तिम परन्तुक के अर्न्तगत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा/समझे जाएंगे। यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है, जिसे डिमोब्लिआईज्ड आर्मड फोर्सिस परसोनल (रिजर्वेशन आफ वेकैन्सीज इन दी हिमाचल स्टेट नान-टैक्नीकल सर्विसीज) रुल्ज, 1972 के नियम 3 के उपबन्धों के अर्न्तगत भर्ती किया गया है और इनके अर्न्तगत वरीयता लाभ दिए गए हों या जिसे एक्स-सर्विसमैन (रिजर्वेशन आफ वेकैन्सीज इन दी हिमाचल प्रदेश टैक्नीकल सर्विसीज) रुल्ज, 1985 के नियम 3 के उपबन्धों के अर्न्तगत भर्ती किया गया हो और इनके अर्न्तगत वरीयता लाभ दिए गए हों।

इसी प्रकार स्थाईकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरक पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिये गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी:

परन्तु उपर्युक्त यथा निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थायीकरण होगा उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी।

(क) (i) परन्तु प्रोन्नति के प्रयोजन लिए प्रत्येक कर्मचारी को, जनजातीय/दुर्गम क्षेत्रों में पद (पदों) की ऐसे क्षेत्रों में पर्याप्त संख्या की उपलब्धता के अध्वधीन, कम से कम एक कार्यकाल तक सेवा करनी होगी:

परन्तु यह और कि उपर्युक्त परन्तुक (i) उन कर्मचारियों के मामले में लागू नहीं होगा जिनकी अधिवर्षिता के लिए पांच वर्ष या उससे कम की सेवा शेष रही हो :

परन्तु यह कि उन अधिकारियों/कर्मचारियों को, जिन्होंने जनजातीय/दुर्गम क्षेत्र में कम से कम एक कार्यकाल तक सेवा नहीं की है, ऐसे क्षेत्र में उसके अपने संवर्ग (काडर) में सर्वथा वरिष्ठता के अनुसार स्थानान्तरण किया जाएगा।

स्पष्टीकरण: I.— उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्रों में “कार्यकाल” से, साधारणतः तीन वर्ष की अवधि या प्रशासनिक अपेक्षाओं और कर्मचारी द्वारा किए गए कार्य को ध्यान में रखते हुए ऐसे क्षेत्रों में तैनाती की इससे कम अवधि अभिप्रेत होगी।

स्पष्टीकरण: II.— उपर्युक्त परन्तुक (1) के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्र निम्न प्रकार से होंगे:—

1. जिला लाहौल एवं स्पिति।
2. चम्बा मण्डल का पांगी और भरमौर उप मण्डल।
3. रोहडू उप मण्डल का डोडरा-क्वार क्षेत्र।
4. जिला शिमला की रामपुर तहसील का पन्द्रह बीस परगना, मुनीष, दरकाली और ग्राम पंचायत काशापाट।
5. कुल्लू जिला का पन्द्रह बीस परगना।

6. कांगड़ा जिला के बैजनाथ उप मण्डल का बड़ा भंगाल क्षेत्र।
7. जिला किन्नौर।
8. सिरमौर जिला में उप तहसील कमरु के काठवाड़ और कोरगा पटवार वृत्त, रेणुका जी तहसील के भलाड़-भलौना तथा सांगना पटवार वृत्त और शिलाई तहसील का कोटा पाब पटवार वृत्त।
9. मण्डी जिला में करसोग तहसील का खन्योल-बगड़ा पटवार वृत्त, बालीचौकी उप तहसील के गाडा गोसाई, मठयानी, घनयाड़, थाची, बागी, सोमगाड और खोलानाल, पद्धर तहसील के झारवाड़, कुटगढ़, ग्रामन, देवगढ़, ट्रैला, रोपा, कथोग, सिल्ह-भडवानी, हस्तपुर, घमरेड़ और भटेड़ पटवार वृत्त, थुनाग तहसील के चियूणी, कालीपार, मानगढ़, थाच-बगड़ा, उत्तरी मगरू और दक्षिणी मगरू पटवार वृत्त और सुन्दरनगर तहसील का बटवाड़ा पटवार वृत्त।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो तो उसकी संरचना.—विभागीय प्रोन्नति समिति की अध्यक्षता हिमाचल प्रदेश लोक सेवा आयोग के अध्यक्ष या उसके द्वारा नामनिर्दिष्ट आयोग के सदस्य द्वारा की जाएगी।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा.—जैसा विधि द्वारा अपेक्षित हो।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षाएं.—किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.—सीधी भर्ती के मामले में, पद पर नियुक्ति के लिये चयन, मौखिक परीक्षा के आधार पर किया जाएगा। यदि, यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जायेगा, जिसका स्तर/पाठ्यक्रम आदि, यथास्थिति, भर्ती प्राधिकरण द्वारा अवधारित किया जायेगा।

15-क. संविदा नियुक्ति द्वारा पद पर नियुक्ति के लिए चयन.—इन नियमों में किसी बात के होते हुए भी पद पर संविदा नियुक्ति, नीचे दिए गए निबन्धनों और शर्तों के अधीन की जाएगी:—

(i) संकल्पना.—(क) इस पॉलिसी के अधीन हिमाचल प्रदेश योजना विभाग में सहायक अनुसंधान अधिकारी को, संविदा के आधार पर प्रारम्भ में एक वर्ष के लिये लगाया जाएगा जिसे वर्षानुवर्ष आधार पर बढ़ाया जा सकेगा।

(ख) पद का हिमाचल प्रदेश लोक सेवा के कार्यक्षेत्र में आना:

सचिव (योजना) रिक्त पदों को संविदा के आधार पर भरने के लिए सरकार का अनुमोदन प्राप्त करने के पश्चात्, अध्यपेक्षा को संबद्ध भर्ती अधिकरण अर्थात् हिमाचल प्रदेश लोक सेवा आयोग के समक्ष रखेगा।

(ग) चयन, इन नियमों में विहित पात्रता शर्तों के अनुसार किया जाएगा।

(ii) संविदात्मक उपलब्धियां.—संविदा के आधार पर नियुक्त सहायक अनुसंधान अधिकारी को 9600/— रुपये की समेकित नियत संविदात्मक रकम (जो वेतनमान के प्रारम्भिक + मंहगाई वेतन के बराबर होगी) प्रतिमास संदत्त की जाएगी। यदि संविदा में एक वर्ष से अधिक की बढ़ोतरी की जाती है, तो पश्चात्तवर्ती वर्ष/वर्षों के लिए संविदात्मक उपलब्धियों में 200/— रुपये की रकम (पद के वेतनमान के न्यूनतम/प्रारम्भिक आरम्भ में वार्षिक वृद्धि के बराबर) वार्षिक वृद्धि के रूप में अनुज्ञात की जाएगी।

(iii) नियुक्ति/अनुशासन प्राधिकारी.—सचिव (योजना), हिमाचल प्रदेश नियुक्ति और अनुशासन प्राधिकारी होगा।

(iv) चयन प्रक्रिया.—संविदा नियुक्ति की दशा में पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर किया जाएगा या यदि आवश्यक या समीचीन समझे तो लिखित परीक्षा या व्यावहारिक परीक्षा द्वारा किया जाएगा, जिसका स्तर/पाठ्यक्रम आदि संबद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश लोक सेवा आयोग द्वारा अवधारित किया जाएगा।

(v) संविदात्मक नियुक्तियों के लिये चयन समिति.—जैसी सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश लोक सेवा आयोग द्वारा समय-समय पर गठित की जाए।

(vi) करार.—अभ्यर्थी को, चयन के पश्चात् इन नियमों से संलग्न उपाबन्ध-ख के अनुसार करार हस्ताक्षरित करना होगा।

(vii) निबन्धन और शर्तें.—(क) संविदा के आधार पर नियुक्त व्यक्ति को 9600/— रुपये की नियत संविदात्मक रकम (जो वेतनमान के प्रारम्भिक + मंहगाई वेतन के बराबर होगी) प्रतिमास संदत्त की जाएगी। संविदा पर नियुक्त व्यक्ति आगे बढ़ाए गए वर्ष/वर्षों के लिए संविदात्मक रकम में 200/— रुपये (पद के वेतनमान के न्यूनतम/ प्रारम्भिक आरम्भ में वार्षिक वृद्धि के बराबर) की वृद्धि का हकदार होगा और अन्य कोई प्रसुविधाएं, जैसे की वरिष्ठ/चयन वेतनमान आदि नहीं दिया जाएगा।

(ख) संविदा पर नियुक्त व्यक्ति की सेवा पूर्णतया अस्थायी आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है तो नियुक्ति समाप्त किए जाने के लिए दायी होगी।

(ग) संविदा पर नियुक्त व्यक्ति, एक मास की सेवा पूरी करने के पश्चात् एक दिन के आवेस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। संविदा पर नियुक्त व्यक्ति को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूर्ति और एल0टी0सी0 इत्यादि के लिए भी हकदार नहीं होगा/होगी। केवल प्रसूति अवकाश नियमानुसार दिया जाएगा।

(घ) नियन्त्रक अधिकारी के अनुमोदन के बिना सेवा में अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यवसान (समापन) हो जाएगा। संविदा पर नियुक्त व्यक्ति, कर्तव्य (ड्यूटी) से अनुपस्थिति की अवधि के लिये संविदात्मक रकम का हकदार नहीं होगा।

(ङ) संविदा पर नियुक्त व्यक्ति का, एक स्थान से दूसरे स्थान के लिए स्थानान्तरण किसी भी दशा में अनुज्ञात नहीं किया जाएगा।

(च) चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण-पत्र प्रस्तुत करना होगा। बारह सप्ताह से अधिक की गर्भवती महिला प्रसव होने तक, अस्थायी तौर पर अनुपयुक्त समझी जाएगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिये पुनः परीक्षण किया जाएगा।

(छ) संविदा पर नियुक्त व्यक्ति का, यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर, जैसी नियमित कर्मचारियों को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा।

(ज) नियमित कर्मचारियों की दशा में यथा लागू सेवा नियमों के उपबन्ध, जैसे एफ.आर.—एस.आर., छुट्टी नियम, साधारण भविष्य निधि नियम, पेंशन नियम तथा आचरण नियम आदि संविदा पर नियुक्त व्यक्तियों की दशा में लागू नहीं होंगे। वे इस स्तम्भ में यथावर्णित उपलब्धियां आदि के लिए हकदार होंगे।

16. आरक्षण.—सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा, समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की बाबत जारी किए गए अनुदेशों के अधीन होगी ।

17. विभागीय परीक्षा.—लागू नहीं ।

18. शिथिल करने की शक्ति.—जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह, कारणों को लिखित में अभिलिखित करके, और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बाबत, शिथिल कर सकेगी।

उपाबन्ध—'ख'

सहायक अनुसंधान अधिकारी और हिमाचल प्रदेश सरकार के मध्य सचिव योजना हिमाचल प्रदेश के माध्यम से निष्पादित की जाने वाली संविदा/करार का प्रारूप।

यह करार श्री/श्रीमतिपुत्र/पुत्री श्री.....
निवासी, संविदा पर नियुक्त व्यक्ति (जिसे इसमें इसके पश्चात् "प्रथम पक्षकार" कहा गया है) और हिमाचल प्रदेश के राज्यपाल के मध्य.....
.....(नियुक्ति प्राधिकारी का पदनाम) (जिसे इसमें इसके पश्चात् "द्वितीय पक्षकार" कहा गया है) के माध्यम से आज तारीखको किया गया।

"द्वितीय पक्षकार" ने उपरोक्त प्रथम पक्षकार को लगाया है और प्रथम पक्षकार ने(पद का नाम) के रूप में संविदा के आधार पर निम्नलिखित निबंधन और शर्तों पर सेवा करने के लिए सहमति दी है.—

1. यह कि प्रथम पक्षकार(पद का नाम) के रूप में से प्रारम्भ होने और..... को समाप्त होने वाले दिन तक, एक वर्ष की अवधि के लिए द्वितीय पक्षकार की सेवा में रहेगा । यह विनिर्दिष्ट रूप से उल्लिखित किया गया है और दोनों पक्षकारों द्वारा करार पाया गया है कि प्रथम पक्षकार की द्वितीय पक्षकार के साथ संविदा, आखिरी कार्य दिवस को, अर्थात्दिन को स्वयंमेव ही पर्यवसित (समाप्त) हो जाएगी तथा सूचना नोटिस आवश्यक नहीं होगा।
2. प्रथम पक्षकार की संविदात्मक रकम 9600/— रुपए प्रतिमास होगी।
3. प्रथम पक्षकार की सेवा, पूर्णतया अस्थाई आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है या यदि नियमित पदधारी उस रिक्ति के विरुद्ध नियुक्त/तैनात कर दिया जाता है जिसके लिए प्रथम पक्षकार को संविदा पर लगाया गया है, तो नियुक्ति पर्यवसित (समाप्त) की जाने के लिए दायी होगी।
4. संविदा पर नियुक्त सहायक अनुसंधान अधिकारी एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। संविदा पर नियुक्त सहायक अनुसंधान अधिकारी को, किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूर्ति और एल0टी0सी0 इत्यादि के लिये भी हकदार नहीं होगा/होगी। केवल प्रसूति अवकाश, नियमानुसार दिया जाएगा ।

5. नियन्त्रक अधिकारी के अनुमोदन के बिना कर्तव्यों से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यवसान (समापन) हो जायेगा। संविदा पर नियुक्त सहायक अनुसंधान अधिकारी कर्तव्य (ड्यूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।
6. संविदा के आधार पर नियुक्त अधिकारी का एक स्थान से दूसरे स्थान के लिए स्थानान्तरण किसी भी दशा में अनुज्ञात नहीं होगा।
7. चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण-पत्र प्रस्तुत करना होगा। महिला अभ्यर्थियों की दशा में, बारह सप्ताह से अधिक की गर्भावस्था प्रसव होने तक, उसे अस्थाई तौर पर अनुपयुक्त बना देगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाना चाहिए।
8. संविदा पर नियुक्त व्यक्ति का, यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर, जैसी नियमित प्रतिस्थानी अधिकारी को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी।
9. संविदा पर नियुक्त व्यक्ति (यों) को, कर्मचारी सामूहिक बीमा योजना के साथ-साथ ई0पी0एफ0/जी0पी0एफ भी लागू नहीं होगा।

इसके साक्ष्यस्वरूप **प्रथम पक्षकार** और **द्वितीय पक्षकार** के साक्षियों की उपस्थिति में इसमें सर्वप्रथम उल्लिखित दिन, मास और वर्ष को अपने-अपने हस्ताक्षर कर दिए हैं।

साक्षियों की उपस्थिति में:

1.
.....
.....
(नाम व पूरा पता)

2.
.....
.....
(नाम व पूरा पता)

(प्रथम पक्षकार के हस्ताक्षर)

साक्षियों की उपस्थिति में:

1.
.....
.....
(नाम व पूरा पता)

2.
.....
.....
(नाम व पूरा पता)

(द्वितीय पक्षकार के हस्ताक्षर)

[Authoritative English text of this Department Notification No. PLG-A (3)-1/ 2008 Date 2009 as required under clause (3) of Article 348 of Constitution of India.]

PLANNING DEPARTMENT

NOTIFICATION

17th September, 2009

No.PLG-A(3)1 /2008.— In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission is pleased to make the Recruitment and Promotion Rules for the post of Assistant Research Officer, Class-II (Non-Gazetted), in the Himachal Pradesh State Planning Machinery, Planning Department as per Annexure “A” attached to this notification, namely:—

1. Short title and Commencement.—(1) These rules may be called the Himachal Pradesh, State, Planning Machinery, Planning Department Assistant Research Officer, Class-II (Non-Gazetted) Recruitment and Promotion Rules, 2009.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Repeal and Savings.—(1) The Himachal Pradesh , State Planning Machinery, Planning Department Assistant Research Officer (Class-II, Non-Gazetted) Recruitment and Promotion Rules, 1991 notified vide Notification No Yojana (A) 3-5/88 dated the 8-5 -1991 and amended from time to time are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub rule 2(1) supra, shall be deemed to have been validly made, done or taken under these Rules.

By order,
ARVIND MEHTA,
Principal Secretary.

ANNEXURE-“A”

RECRUITMENT AND PROMOTION RULES FOR THE POST OF ASSISTANT RESEARCH OFFICER (CLASS-II, NON-GAZETTED) IN THE DEPARTMENT, OF PLANNING HIMACHAL PRADESH.

1. Name of the post.—Assistant Research Officer.

2. Number of posts.—17 (Seventeen).

3. Classification.—Class-II , (Non Gazetted).

4. Scale of Pay.—(i) Pay Scale for regular Incumbents. Rs.6400-200-7000-220-8100-275-10300-340-10640.

(ii) Emoluments for contract employees. Rs.9600/-(Basic+DP) as per details given in Col.15-A

Whether Selection Post or Non- Selection Post.— Selection.

6. Age for direct Recruitment.— Between 18 and 45 years.

Provided that the upper age limit for direct recruit will not be applicable to the candidates already in service of the Government. including those who have been appointed on *ad hoc* or on contract basis;

Provided further that if a candidate appointed on *ad hoc* basis or on contract basis had become over-age on the date when he was appointed as such he/she shall not be eligible for any relaxation in the prescribed age limit by virtue of his/her such *ad hoc* or contract appointment;

Provided further that upper age limit is relaxable for scheduled Castes/Scheduled Tribes/other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government; Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government Servants before absorption in Public Sector Corporation/ Autonomous Bodies at the time of initial Constitutions of such Corporation/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government Servants. This concession will not, however, be admissible to such staff of the Public Sector Corporation/ Autonomous Bodies who were/ are subsequently appointed by such Corporation/ Autonomous Bodies and who are/ were finally absorbed in the service of such Corporation/ Autonomous Bodies after initial constitution of the Public Sector Corporation/ Autonomous Bodies.

Note.—1 Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/ are advertised for inviting application or notified to the Employment Exchange or as the case may be.

Note.—2 Age and experience in the case of direct recruitment, relaxable at the discretion of the H.P. Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualification required for direct recruitment.—

(a) ESSENTIAL.—(i) Master's degree in Economics with Statistics/Master's degree in Mathematics/Master's degree in Statistics or its equivalent from a recognized University.

(b) DESIRABLE QUALIFICATION.—(i) Three years experience in the field of collection, compilation of Statistics data.

(ii) Preference will be given to those who have higher qualification and experience in the line.

(iii) Knowledge of customs, manners & dialects of Himachal Pradesh & suitability for appointment in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualification prescribed for direct recruits will apply in the case of the promotee ? Not applicable.

9. Period of probation, if any.—Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

10. Method of recruitment: Whether by direct recruitment or by promotion, secondment, transfer and the percentage of posts to be filled-in by various methods.—(i) 50% by promotion failing which by secondment/transfer, failing both by direct recruitment.

(ii) 50% by direct recruitment on a regular basis or by recruitment on contract basis as the case may be. The contract employees will get emoluments as given in col.15-A and will be governed by service conditions as specified in the said column.

11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/ transfer is to be made.—By promotion from amongst the Statistical Assistants of the State Planning Machinery Planning Department having 5 years regular or regular combined with continuous adhoc service as such failing which by secondment /transfer from amongst the officials holding the post of Assistant Research Officers in the Government Department/ Public Sector undertakings.

Provided that the eligible officials for promotion, secondment /transfer should be at least graduate with Economics/Mathematics/Statistics as one of the subjects in graduation.

1. In all cases of promotion, the continuous adhoc service rendered in the feeder post , if any , prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the conditions that the adhoc appointment/promotion in the feeder category had been made after following proper expectable process of selection in accordance with the provisions of R&P Rules;

Provided that In all cases where a Junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on adhoc basis followed by regular service/ appointment)in the feeder post in view of the provision referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the Junior person in the field of consideration.

Provided further that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment and Promotion Rules for the Post whichever is less.

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person (s) Junior to him shall also be deemed to be ineligible for consideration for such promotion.

Explanation.—The last proviso shall not render the Junior incumbents ineligible for consideration for promotion, if the Senior ineligible person(s) happened to be Ex-service man recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal Pradesh State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule-3 of Ex-servicemen (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there under.

(ii) Similarly, in all cases of confirmation, continuous adhoc service rendered in the feeder post , if any prior to the regular appointment against such post shall be taken into account towards the length of service; if the adhoc appointment/ promotion had been made after proper selection and in accordance with the provision of the R&P Rules;

Provided that inter-seniority as a result of confirmation after taking into account adhoc service rendered as referred to above shall remain unchanged A (1) Provided that for the purpose

of promotion every employee shall have to serve atleast one term in Tribal/Difficult areas subject to adequate number of post (s) available in such areas:

Provided further that the proviso (i) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation.

Provided further that Officers/ Officials who have not served atleast one tenure in Tribal/ difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation-I.—For the purpose of proviso I supra the term in Tribal Difficult areas shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation-II.—For the purpose of proviso I supra the Tribal/difficult Areas shall be as under :—

1. District Lahaul&Spiti.
2. Pangi and Bharmour Sub Division of Chamba Division.
3. Dodra Kwar Area of Rohru Sub- Division.
4. Pandrah Bis Pargana Munish Darkali and Gram Panchyat Kashapat, Gram Panchayats of Rampur Tehsil of Distt. Shimla.
5. Pandrah Bis Pargana of Kullu Distt.
6. Bara Bhawal Area of Baijnath Sub Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Korga Patwar Circles of Kamrau Sub Tehsil Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil in Sirmour District.
9. Khanyoi-Bagra Patwar Circle of Karsog Tehsil GadaGussani, Mathyani, Ghanyar, Thachi Baggi, Somgad and Kholanal of Bali-Chowki Sub-Tehsil Jharwar, Kutgarh, Graman, Devgarh, Tralla, Ropa, Kathog, Silh Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil Chinul, Kalipar, Mangarh, Thach-Bagra, Northe magru and South Magru patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

12. If a Departmental Promotion Committee exists, what is its composition? D.P.C. to be presided over by the Chairman, Himachal Pradesh Public Service Commission or a Member thereof to be nominated by him.

13. Circumstances under which the HP Public Service Commission is to be consulted in making recruitment.—As required under the law.

14. Essential requirement for a direct recruitment.—A candidate for appointment to any service or post must be a citizen of India.

15. Selection for appointment to post by direct recruitment.—Selection for appointment to the post or in the case of direct recruitment shall be made on the basis of viva-voce test if the Himachal Pradesh Public Service Commission or other recruiting authority as the case may be, so consider necessary or expedient by written test or a practical test, the standard/ syllabus, etc. of which, will be determined by the recruiting authority as the case may be.

15-A. Selection for appointment to the post by contract appointment.—Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below:-

(I) CONCEPT.—(a) Under this policy, the Assistant Research Officer in the Department of Planning of HP will be engaged on contract basis initially for one year, which may be extendable on year to year basis.

(b) POSTS FALLS WITHIN THE PURVIEW OF HPPSC.—The Secretary (Planning) after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with the concerned recruiting agency i.e. H.P. Public Service Commission.

(c) The selection will be made in accordance with the eligibility conditions prescribed in these Rules.

(II) CONTRACTUAL EMOLUMENTS.—The Assistant Research Officer appointed on contract basis will be paid consolidated fixed contractual amount @ 9600 per month.(which shall be equal to initial of the pay scale+ Dearness pay) An amount of Rs. 200/-(equal to annual increase to the minimum/initial start of the pay scale of the post) as annual increase in contractual emoluments for subsequent year(s) will be allowed if contract is extended beyond one year.

(III) APPOINTING/DISCIPLINARY AUTHORITY.—The Secretary (Planning) H.P. will be the Appointing and Disciplinary authority.

(IV) SELECTION PROCESS.—Selection for appointment to the post in the case of Contract Appointment will be made on the basis of viva-voce test or if considered necessary or expedient by a written test or practical test the standard/syllabus etc. of which will be determined by concerned recruiting agency i.e. Himachal Pradesh Public Service Commission.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.—As may be constituted by the concerned recruiting agency i. e Himachal Pradesh Public Service Commission from time to time.

(VI) AGREEMENT.—After selection of a candidate, he/she shall sign an agreement as per Annexure-B appended to these rules.

(VII) TERMS AND CONDITIONS.—(a) The Contractual appointee will be paid fixed contractual amount @ Rs. 9600/- per month. .(which shall be equal to initial of the pay scale+ Dearness pay) The contract appointee will be entitled for increase in contractual amount @ of Rs.200/-(equal to annual increase to the minimum/initial start of the pay scale of the post) for further extended years and no other allied benefits such as senior/selection scales etc. shall be given.

(b) The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/ conduct of the contract appointee is not found satisfactory.

(c) Contract appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated upto one year. No leave of any other kind is admissible to the contract appointee. He/ She shall not be entitled for Medical Reimbursement & LTC etc. Only Maternity Leave will be given as per rules.

(d) Unauthorized absence from the duties without the approval of the Controlling Officer shall automatically lead to the termination of the contract. Contract Appointee shall not be entitled for contractual amount for the period of absence from duty.

(e) Transfer of contract appointee will not be permitted from one place to another in any case.

(f) Selected candidate will have to submit a certificate of his/her fitness from a Govt./ Registered Medical Practitioner. Women candidate, pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Medical Officer/ Practitioner.

(g) Contract appointee will be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular official at the minimum of pay scale.

(h) Provision of service Rules like FR SR, Leave Rules, GPF Rules, Pension Rules and conduct rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. They will be entitled for emoluments etc. as detailed in this Column.

16. Reservation.—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/ Scheduled Tribes/ Other Backwards Classes/ other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.—Not Applicable.

18. Power to Relax.— Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing, and in consultation with the H.P. Public Service Commission relax any of the provision (s) of these Rules with respect to any Class or Category of person(s) or posts(s).

ANNEXURE-‘B’

Form of contract/agreement to be executed between the Assistant Research Officer and the Government of Himachal Pradesh through Secretary (Planning) H.P.

This agreement is made on this day of in the year..... Between Sh/Smt.S/o/D/o Shri..... R/o....., Contract appointee (hereinafter called the FIRST PARTY), AND The Governor, Himachal Pradesh through Secy. (Planning), Himachal Pradesh (here-in-after the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Assistant Research Officer on contract basis on the following terms & conditions:—

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Assistant Research Officer for a period of 1 year commencing on day of

..... and ending on the day of It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on And information notice shall not be necessary.

2. The contractual amount of the FIRST PARTY will be Rs. 9600/- per month.
3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.
4. Contractual Assistant Research Officer will be entitled for one day casual leave after putting in one month service. This leave can be accumulated upto one year. No leave of any kind is admissible to the contractual Assistant Research Officer. He will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.
5. Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual Assistant Research Officer will not be entitled for contractual amount for the period of absence from duty.
6. Transfer of a officer appointed on contract basis will not be permitted from one place to another in any case.
7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The women candidate should be re-examined for fitness from an authorized Medical Officer/practitioner.
8. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counter-part officer at the minimum of the pay scale.
9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to the contractual appointee (s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1.....

 (Name and Full Address)

(Signature of the FIRST PARTY)

2.....

 (Name and Full Address)

IN THE PRESENCE OF WITNESS:

1.....

.....

.....

(Name and Full Address)

(Signature of the SECOND PARTY)

2.

.....

.....

(Name and Full Address)

INDUSTRIES DEPARTMENT

AGREEMENT UNDER SECTION 41 OF THE LAND ACQUISITION ACT, 1894

This Agreement made on 3rd day of October, 2009 (Two thousand nine) between Jaypee Himachal Cement Project (A unit of Jaiprakash Associates Limited) a Company incorporated under the Companies Act, 1956 and having its registered office at G Block, Surajpur Kansa Road, Greater Noida City, Uttar Pradesh-201306 through Shri KP Sharma, Director duly appointed by the Company as its Attorney (hereinafter called "the Company" which expression shall include its heirs, successors and assigns) of the first part and the Government of Himachal Pradesh through Shri Dil Sukh, Deputy Secretary (Industries) to the Govt. of Himachal Pradesh hereinafter called the "Government", which expression shall include his successors in office and assigns) of the second part.

Whereas, upon the application of the Company for acquisition of land for the purpose of parking area required for the fleet of transport trucks/heavy vehicles to be engaged for the transportation of raw material as well as the finished product i.e. cement, clinker etc. to and from the Cement Plant of the Company under establishment at Village Baga, Tehsil Arki, Distt. Solan, H.P., the Govt. of Himachal Pradesh have agreed to acquire the said land on behalf of the Company for the purpose of company under the provisions of the land Acquisition Act, 1894 (1 of 1894) the pieces of parcels of land described and delineated in the Schedule hereto annexed and situated in Village Gaudi, Sub Tehsil Namhol, Tehsil Sadar, District Bilaspur, HP measuring in total 61.19 bighas having been shown to the satisfaction of the said Government that the proposed acquisition is needed for purpose of parking area of the Cement Plant.

And whereas the Government have called upon the Company under the provisions of Section 41 of the said Act to enter into the agreement with the Government hereinafter contained. Now, these presents witness and it is hereby agreed and declared as follows:

1. On demand, the Company shall and will pay to the Government of Himachal Pradesh the entire cost of acquisition, all and every compensation in respect of the said land tendered, paid or awarded and to be tendered, paid or awarded by the Collector under the land Acquisition Act, 1894 or by the Court or Courts to which an appeal from the award of the said Court may be preferred and all costs, charges and expenses of the proceedings in the aforesaid Courts or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the Act *ibid*.
2. On demand, made by the Collector the obligation of Company under the last preceding clause not being thereby limited the Company shall and will deposit with the said Collector such sum or sums of money as in his discretion Collector may in anticipation estimate to be necessary for the purpose mentioned in the preceding clause.

3. On payment by the Company of all demands under the foregoing first clause, or in the discretion of the Government of Himachal Pradesh (on deposit by the Company of all estimated amount as provided in the second clause) but not before possession shall have been taken under the provisions of the Land Acquisition Act, 1894, the said land to the Company and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the Company.
4. In case, the Company has offered the land and construction etc. in it as security with previous sanction of the Government for raising loans from Financial Institutions/Banks etc. within India and outside, the Government shall not have recourse to its rights or resumption of the land under this clause, during the period such loan is outstanding.
5. The said land shall be held by the company for the purpose for which it is acquired or purpose legitimately connected as is herein before mentioned and without the sanction in writing of the said Government of Himachal Pradesh first had and obtained for no other purpose whatsoever.
6. Should the said land held by the Company is not used for the purpose for which is it acquired legitimately connected as is hereinbefore mentioned within a period of three years from the date on which possession of the said land shall have been given to the Company within such further period as in its discretion may be prescribed or allowed by the Government or should the land at any time thereafter not used for period of 36 consecutive months or the same is not required for the purpose or purposes provided for in the foregoing 4th clause and in any such case the said Government may summarily re-enter upon and take possession of the said land and together with all buildings thereon whether such buildings were erected before or after transfer of the land to the Company and thereupon the interest of the Company in the said land and thereupon the interest of the company in the said land and buildings shall cease and determined.
7. The approval is subject to the condition that R.R. Plan & other environmental issues shall be implemented in letter & spirit by the Company and no affected person will come under the definition of landless.
8. Land and houses of Sh. Bada Ram, Sant Ram and Karam Chand will be left out. In case these persons are themselves willing for acquisition of their land & houses the matter will be discussed by the Collector with them before the award is announced. In case it is not possible to provide a house or a plot to them in terms of para 2.1.1 of the Rehabilitation Scheme, the Collector will arrive at amount of compensation/grant keeping in view the prevalent market rate in the area and the same shall be binding upon the Company.
9. The Company will ensure that the persons whose land/houses are being acquired will be duly compensated in terms of the Rehabilitation and Resettlement Scheme of the Company notified by the Government.

IN WITNESS whereof the seal of the Company has been affixed and the Government hereinto set its hand and seal, the day, month and year hereinabove mentioned.

By order,

(K. P. SHARMA),

Director,

For and on behalf of Jaypee Himachal Cement Project.

[Unit of Jaiprakash Associates Limited]

WITNESSES :

1. Sd/-
Vinod Sharma, Sr. Vice President
JPCP, C-16 Lane I, Set I,
New Shimla. FOR AND ON BEHALF OF GOVERNMENT OF
HIMACHAL PRADESH
2. Sd/-
Rikhi Sharma, DGM,
JPCP, C-16 Lane I, Set I, New Shimla. Sd/-
The Deputy Secretary(Industries)
to the Government of Himachal Pradesh.
1. Sd/-
Ram Singh, Section Officer(Industries)
H.P. Secretariat, Shimla-2.
2. Sd/-
Gopal Dass Thakur, Supdt.,
Industries-A Section , HP Secretariat, Shimla-2.

SCHEDULE

**DETAILS OF PIECES OF PARCELS OF LAND REQUIRED FOR ACQUISITION IN
VILAGE GAUDI, SUB TEHSIL NAMHOL, TEHSIL SADAR DISTT. BILASPUR [H.P.]**

Name of village	Khasra Numbers	Area	
		Bigha	biswa
Gaudi	4	0	5
	5	1	5
	6	1	18
	7	0	3
	8	0	7
	9	0	15
	10	0	7
	11	3	16
	193/156/12/4	13	13
	164/13/2	7	6
	14	0	13
	15	3	6
	147/16	3	0
	168/18/2	17	10
	170/19/2	0	5
	177/39/2	3	9
	194/191/155	2	12
	195/191/155/3	1	9
	TOTAL ...	61	19

TOURISM & CIVIL AVIATION DEPARTMENT**NOTIFICATION***Shimla-2, 3rd October, 2009*

No. TSM-F (6)-1/97-V.—In partial modification of this Department's Notification of even number dated 14.09.2009, the Governor, Himachal Pradesh is pleased to withdraw the nomination of Dr. Rajiv Bhardwaj, Bhardwaj Clinic, Jassur, Tehsil Nurpur, Distt. Kangra, (HP), as nonofficial Director on the Board of Directors of Himachal Pradesh Tourism Development Corporation Ltd. with immediate effect.

The Governor, Himachal Pradesh is further pleased to nominate Shri Narinder Attri R/O Village Dhulli, Post Office Tihra, Tehsil Sarkaghat, Distt. Mandi, Himachal Pradesh as non-official Director on the Board of Directors of the Himachal Pradesh Tourism Development Corporation Ltd. with immediate effect.

By order,
MANISHA NANDA,
Principal Secretary.

खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले विभाग**अधिसूचना**

शिमला-2, 04 सितम्बर, 2009

संख्या: एफ.डी.एस.ए. (3)-3/90-1.—हिमाचल प्रदेश की राज्यपाल, भारत का राजपत्र, असाधारण, तारीख 2 अप्रैल, 2009 में प्रकाशित भारत सरकार उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण (उपभोक्ता मामले विभाग) मन्त्रालय के एस0ओ0 संख्या 905 और 906 (ई) तारीख 02 अप्रैल, 2009 के साथ पठित, हिमाचल प्रदेश ट्रेड आर्टिकलज (लाइसेंसिंग एण्ड कन्ट्रोल) आर्डर, 1981 के खण्ड 18 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश ट्रेड आर्टिकलज (लाइसेंसिंग एण्ड कन्ट्रोल) आर्डर, 1981 से संलग्न शडयूल-1 का और संशोधन करने के लिए निम्नलिखित आदेश करती हैं, अर्थात:—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस आदेश का संक्षिप्त नाम हिमाचल प्रदेश ट्रेड आर्टिकलज (लाइसेंसिंग एण्ड कन्ट्रोल) अमेंडमेंट आर्डर, 2009 है ।

(2) यह तुरन्त प्रवृत्त होगा और यह 30 सितम्बर, 2009 तक या इस निमित्त भारत सरकार द्वारा जारी किसी आदेश तक, जो भी पूर्वत हो, प्रवृत्त रहेगा ।

2. शडयूल 1 का संशोधन.—हिमाचल प्रदेश ट्रेड आर्टिकलज (लाइसेंसिंग एण्ड कन्ट्रोल) आर्डर, 1981 से संलग्न शडयूल-1 में :—

(क) भाग "ए" (फूडग्रेन्स) के अधीन निम्नलिखित मद जोड़ी जायेगी, अर्थात:—

"राईस एण्ड पैडी" (चावल और धान)

(ख) भाग "बी" (पल्सेज) (दालें) के अधीन निम्नलिखित मद जोड़ी जायेगी, अर्थात:—

“पल्सेज” (होल और स्पलिट) दालें (साबुत या दली)”

(ग) भाग “सी” (आयल सीडज) (तिलहन) के अधीन निम्नलिखित मद जोड़ी जायेगी, अर्थात:—

**“एडिबल आयल सीडज (खाद्य तिलहन)”
और**

(घ) भाग “डी” (एडिबल आयलज) (खाद्य तेल) के अधीन निम्नलिखित मद जोड़ी जायेगी, अर्थात:—

“एडिबल आयलज (खाद्य तेल)”

आदेश द्वारा,
अनिल खाची,
सचिव।

[Authoritative English text of this Department Notification No, FDS-A(3)3/90-I dated 04th September, 2009 as required under Article 348(3) of the Constitution of India.]

FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT

NOTIFICATION

Shimla-2, 4th September, 2009

No.FDS-A (3)3/90-I.—In exercise of powers conferred by clause 18 of the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981, read with S.O.No. 905 (E) and 906(E) dated 2nd April, 2009 Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) Government of India published in the extra ordinary Gazette of India dated 2nd April, 2009, the Governor of Himachal Pradesh is pleased to make the following order further to amend the SCHEDULE-I appended to the Himachal Pradesh Trade Articles (Licensing & Control) Order, 1981, namely:—

1. Short titled and Commencement.—(1) This order may be called the Himachal Pradesh Trade Articles (Licensing and Control) Amendment Order, 2009.

(2) It shall come into force at once and shall remain in force up to 30.09.2009 or till any order issued by the Government of India in this behalf, whichever is earlier.

2. Amendment of Schedule-I.— In Schedule-1 appended to the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981:—

(a) Under Part “A” (FOODGRAINS), the following item shall be added, namely:—

“Rice and Paddy”;

(b) Under Part “B” (PULSES), the following item shall be added, namely:—

“PULSES (Whole or Split) ”;

(c) Under Part “C” (OIL SEEDS), the following item shall be added, namely:—

“Edible Oil SEEDS”;
and

(d) Under Part” D”(EDIBLE OILS) ,the following item shall be added, namely:-

“Edible Oils”

By Order,
ANIL KHACHI,
Secretary.

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

NOTIFICATION

Shimla, the 24th September, 2009

No.HPERC/418.— In exercise of the powers conferred by section 181, read with sections 39, 40, 42 and 86 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission hereby proposes to make the following Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2009 and publishes the proposed draft regulations, as required by sub-section (3) of section 181 of the said Act and by rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft regulations will be taken into consideration after the expiry of thirty days from the date of their publication in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Keonthal Commercial Complex, Khalini, Shimla-171002.

DRAFT REGULATIONS

CHAPTER-1

PRELIMINARY

1. Short title, commencement and extent.—(1) These regulations shall be called the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2009.

(2) These regulations shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh.

(3) These regulations shall apply to the applications made for grant of short term open access for energy transfer schedules for use of intra-State transmission system and/or distribution system of the licensees in the State of Himachal Pradesh, including when such system is used in conjunction with the inter-State transmission system.

2. Definitions.—In these regulations, unless the context otherwise requires, —(1) "Act" means the Electricity Act, 2003 (36 of 2003);

(2) “applicant” means a person who makes an application for availing short term open access to any transmission and/or distribution system within the State in accordance with these regulations;

(3) “captive generating customer” means a person who has constructed a captive generating plant and maintains and operates such plant and requires short term open access for the purpose of carrying electricity from his captive generating plant to the destination of his use;

(4) “Commission” means the Himachal Pradesh Electricity Regulatory Commission;

(5) “day” means a day starting at 00.00 hours and ending at 24.00 hours.

(6) “detailed procedure” means the procedure issued under regulation 5;

(7) “Grid Code” means the State Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of the Act;

(8) “intra-State entity” means a person whose metering and energy accounting is done by the State Load Despatch Centre or by any other authorized State Utility.

(9) “long term open access” means the use of the intra-State transmission and/or distribution system for a period exceeding 12 years but not exceeding 25 years;

(10) “long term open access customer” means a person who has been granted long-term open access;

(11) “medium term open access” means the use of the intra-State transmission and/or distribution system for a period exceeding 3 months but not exceeding 3 years;

(12) “medium term open access customer” means a person granted medium-term access;

(13) “month” means a calendar month as per the British calendar;

(14) “nodal agency” means the State Load Despatch Centre for arranging shortterm open access to any transmission and/or distribution system under these regulations;

(15) “open access customer” means a person, who has availed or intends to avail of open access under these regulations, and includes a short term open access customer or a generating company (including the captive generating plant) or a licensee or a consumer permitted by the Commission to receive supply of electricity from a person other than distribution licensee of his area of supply, or a State Government entity authorised to sell or purchase electricity;

(16) “open access in distribution” means the non-discriminatory provision for the use of the distribution system and associated facilities by any licensee or customer or person engaged in generation, in accordance with these regulations;

(17) “open access transaction” means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee, from a specified point of injection to a specified point of drawal for a fixed or varying quantum of power (MW) for any time period during a month;

(18) “open access in transmission” means the non-discriminatory provision for the use of the transmission system and associated facilities by any licensee or customer or person engaged in generation, in accordance with these regulations;

(19) “short term open access” means open access for a period upto one (1) month at one time;

(20) “short term open access customer” means a person who has availed or intends to avail short term open access;

(21) “State” means the State of Himachal Pradesh;

(22) “State network” means network owned by the State Transmission Utility, distribution licensee or any other person granted licence by the State Commission to construct, operate and maintain the transmission system;

(23) “Supply Code” means the Supply Code specified by the Commission under section 50 and clause (x) of sub-section (2) of section 181 of the Act;

(24) “time block” means 15 minutes time period specified in the Grid Code for the purposes of scheduling and dispatch of power; and

(25) other words and expressions used in these regulations and not defined herein but defined in the Act or the Grid Code or the Supply Code, shall have the same meaning as are assigned to them in the Act, or the Grid Code, or the Supply Code, as the case may be.

CHAPTER-II

SHORT TERM OPEN ACCESS IN INTRA-STATE TRANSMISSION

3. Criteria for allowing open access in transmission.—The short term open access shall be allowed, if request can be accommodated by utilizing surplus capacity available in the intra-State transmission system, by virtue of-

- (a) inherent design margins;
- (b) margins available due to variation in power flows; and
- (c) margins available due to in-built spare transmission capacity created to cater to future load growth.

4. Open access priority.—(1) The intra-State open access shall have the priority over the inter-State open access and the order of priority shall be -

- (a) long term open access for distribution licensees for electricity generated from renewable sources and cogeneration;
- (b) long term open access for distribution licensees for electricity generated from sources other than referred to in clause (a);
- (c) medium term open access for distribution licensees for electricity generated from renewable sources and cogeneration;
- (d) medium term open access for distribution licensees for electricity generated from sources other than referred to in clause (c);
- (e) short term open access for distribution licensees for electricity generated from renewable sources and cogeneration;

- (f) short term open access for distribution licensees for electricity generated from sources other than referred to in clause (e):
- (g) captive generating plant ;and
- (h) open access to any other customer.

(2) Notwithstanding anything contained in this regulation, the Commission may, at any time, having regard to the necessity to promote and develop market in the State, review the priority accorded by this regulation to any category of open access customers.

(3) Once open access has been granted, the short term customer shall not be replaced by any other person on account of a subsequent request received from such other person.

5. Detailed procedure.—Subject to the provisions of these regulations, the nodal agency shall, submit the detailed procedure, covering relevant and residual matters not detailed in these regulations, to the Commission for its approval within 45 days of notification of these regulations in the Official Gazette:

Provided that prior to submitting the detailed procedure to the Commission for approval, the nodal agency shall make same available to the public and invite comments by putting the draft detailed procedure on its website and giving a period of one month to submit comments:

Provided further that while submitting the detailed procedure to the Commission, the nodal agency shall submit a statement indicating as to which of the comments of stakeholders have not been accepted by it along with reasons thereof.

6. Submission of short term open access application.—(1) An open access customer intending to avail of open access for use of the transmission lines or associated facilities for such lines on the intra-State transmission system, shall make an application to the nodal agency in accordance with these regulations.

(2) The application for an open access transaction shall contain the details, such as names and location of supplier and buyer, contracted power (MW) to be scheduled and interface at which it is referred to, point of injection, point of drawal, starting time block and date, ending time block and date, and such other information that may be required in the detailed procedure.

(3) The application shall be accompanied by a non-refundable application fee of rupees five thousand, payable in the name and in the manner laid down in the detailed procedure for open access in transmission:

Provided that the fee for an open access transaction on the day of the application or on the day immediately following the day of the application may be deposited within three working days of submission of the application.

7. Procedure for advance scheduling for open access transactions.—(1) An application for advance scheduling for an open access transaction may be submitted to the nodal agency up to the fourth month, the month in which an application is made being the first month:

Provided that separate application shall be made for each month, and for each transaction.

(2) (a) An application for intra-State scheduling during the fourth month shall be made up to the last day of the first month.

(b) All applications received under this sub-regulation shall be taken up together for consideration.

(c) The nodal agency shall convey its acceptance or otherwise to the applicant latest by the fifth day of the second month:

Provided that while accepting its application, open access granted to any person prior thereto shall not be withdrawn.

(3) (a) An application for intra-State scheduling during the third month shall be made upto five (5) days prior to the close of the first month.

(b) All applications received under this sub-regulation shall be taken up together for consideration.

(c) The nodal agency shall convey its acceptance or otherwise to the applicant latest by the close of the first month:

Provided that while accepting the application, open access granted to any person prior thereto shall not be withdrawn.

(4) (a) An application for intra-State scheduling during the second month shall be made with the nodal agency up to ten (10) days prior to the close of the first month.

(b) All applications received under this sub-regulation shall be taken up together for consideration.

(c) The nodal agency shall convey its acceptance or otherwise to the applicant five days prior to the last day of the first month:

Provided that while accepting the application, open access granted to any person prior thereto shall not be withdrawn.

(5) Wherever the nodal agency rejects an application, it shall convey its reasons to the applicant in writing.

8. Congestion management.—Where in the opinion of the nodal agency, grant of open access to all applications at a particular stage of advance scheduling is likely to cause congestion in one or more of the transmission corridors to be used, it shall conduct electronic bidding for grant of open access for the available surplus transmission capacity among the applicants at that stage, in accordance with the detailed procedure:

Provided that if any person does not participate in the bidding process he shall be deemed to have withdrawn his application.

9. Procedure for scheduling of open access transactions on first-come-firstserved basis.— (1) The applications for grant of open access for the second month, received after the date specified in sub-regulation (4) of regulation 7 and the applications for grant of open access during the first month shall be considered on first-come-first-served basis, and such transactions shall be scheduled subject to availability of the required transmission capacity:

Provided that such applications shall reach the nodal agency at least four (4) days in advance of the date of the open access transaction:

Provided further that separate application shall be made for each transaction.

(2) All these applications shall be processed and decided within three (3) days of their receipt.

10. Procedure for scheduling for day-ahead transaction.—All applications for open access transactions received within three (3) days prior to the date of scheduling and up to 1500 hrs of the day immediately preceding the date of scheduling shall be clubbed and treated at par for day ahead transaction.

11. Procedure for scheduling of transactions in a contingency.—In the event of a contingency, the buyer may locate a source of power to meet shortterm contingency requirement even after the cut-off time of 1500 hrs of the preceding day and apply to the nodal agency for open access and scheduling and in that event, the nodal agency shall endeavor to accommodate such request as soon as and to the extent practically feasible, in accordance with the detailed procedure.

12. Revision of schedule.—(1) The short term open access schedules accepted by the nodal agency in advance or on first-come-first-served basis may be cancelled or revised downward, on an application made by the person granted short term open access:

Provided that such cancellation or downward revision of the short term open access schedules shall not be effective before expiry of a minimum period of two days.

Provided further that the day on which notice for cancellation or downward revision of a short term open access schedule is served on the nodal agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the notice period of two (2) days.

(2) The person seeking cancellation or downward revision of schedule of short term open access schedule shall pay the transmission charges for the notice period of two (2) days in accordance with the schedule originally approved by the nodal agency.

(3) If the period of cancellation or downward revision of schedule exceeds two (2) days, the transmission charges for the period beyond the notice period of two (2) days shall be payable in accordance with the revised schedule prepared by the nodal agency.

13. Curtailment in case of transmission operational constraints.—(1) The State Load Despatch Centre may curtail power flow on any transmission corridor, by cancelling or re-scheduling any transaction, if in its opinion cancellation or curtailment of any such transaction is likely to relieve the transmission operational constraint or improve grid security.

(2) In case of curtailment of the approved schedule by the State Load Despatch Centre, transmission charges shall be payable pro-rata in accordance with the curtailed schedule:

Provided that operating charges shall not be revised in case of curtailment under sub-regulation(1)

Explanation.—For the purpose of this regulation, the expression “operational constraints” shall include the availability of the adequate capacity in the transmission system, appropriate

metering and energy accounting system where the electricity to be transmitted can be correctly measured and accounted for and such other factors which may have an impact on the transmission licensee's business of supplying electricity to consumers in the area of supply.

14. Curtailment priority.—When because of operational constraints, force majeure events, or otherwise it becomes necessary to curtail the short term open access in transmission, the curtailment priority shall be in the reverse order of the priority specified in regulation 4.

15. Determination of capacity.—(1) The availability of capacity in the intra-State transmission system including existence or absence of operational constraints affecting open access being allowed shall be determined by the nodal agency in consultation with other agencies involved and also after considering the submissions made by the transmission licensees and the persons seeking open access.

(2) In the event of any dispute in the matter of operational constraints in transmission system, on the determination of capacity under sub-regulation (1), the same shall be referred by the nodal agency to the Commission for its decision.

(3) The Commission may, while deciding the dispute under sub-regulation (2) or otherwise, by a general or special order made from time to time, lay down the conditions to be complied with by the persons seeking short term open access and the said open access shall be allowed only subject to the due satisfaction of such conditions.

16. Charges for open access in transmission.—The short term open access customers shall for the use of the transmission system, pay the transmission charges at par with the long term transmission charges in accordance with the terms and conditions for determination of transmission tariff specified by the Commission from time to time.

17. Operating Charges.—Operating charges for the day or part of the day for each transaction for the State Load Despatch Centre shall be payable by the applicant.

Note 1.—The operating charges include fee for scheduling, system operation and collection and disbursement of charges.

Note 2 .—The operating charges collected by the nodal agency shall be in addition to the fees and charges specified by the Commission under sub-section (3) of section 32 of the Act.

18. Payment of transmission charges and operating charges.—The applicant shall deposit with the nodal agency transmission charges and operating charges within three (3) working days of grant of application.

19. Default in payment of open access charges.—(1) In case of default in payment of the application fee or the charges specified under these regulations, the nodal agency may, in its discretion, decide not to schedule the transaction, or to cancel the scheduling of already scheduled transaction, or not to entertain any application of such persons in future until such time the default is cured.

(2) Notwithstanding the above, the person committing default in payment shall pay simple interest at the rate of 0.04% for each day of default.

20. Unscheduled Inter-change (UI) Charges.—(1) All transactions for intra- State entities by the nodal agency under these regulations, shall be accounted for and included in the respective

day-ahead net interchange schedules of the intra- State entity issued by the State Load Despatch Centre.

(2) Based on net metering on the periphery of each intra-State entity, composite UI accounts shall be issued for each intra-State entity on a weekly cycle.

(3) Any mismatch between the scheduled and the actual drawal at drawal points and scheduled and the actual injection at injection points for the intra- State entities shall be determined by the State Load Despatch Centre and covered in the intra-State Availability Based Tariff (ABT).

(4) The UI rate for intra-State entity shall be 105% (for over-drawals or under generation) and 95% (for under-drawals or over generation) of intra-State UI rate.

21. Reactive energy charges.—(1)The payment and receipt of the reactive energy charges by the open access customers shall be in accordance with the relevant provisions of the Grid Code.

(2) The reactive energy drawals and injections by the open access customers shall be governed by the relevant provisions of the Grid Code.

22. Collection and disbursement of transmission charges and operating Charges.—(1) The transmission charges and the operating charges payable by the persons allowed short-term open access shall be collected and disbursed by the nodal agency.

(2) The transmission charges collected for use of the transmission system for each point of injection and each point of drawal shall be disbursed by the nodal agency in the following manner, namely-

- (a) the State Transmission Utility -25%;
- (b) long-term open access customers -75%

Provided that transmission charges shall be disbursed to the long-term open access customers in proportion to the monthly transmission charges payable by them.

CHAPTER-III

SHORT TERM OPEN ACCESS IN DISTRIBUTION

23. Open access in distribution.—Open access for one MW and above in distribution in the State shall be allowed to any open access customer or person subject to the operational constraints and other relevant factors.

24. Application of provisions of Chapter-II.—The provisions specifying criteria for allowing open access priority, detailed procedure, submission of application, procedures for advance scheduling, congestion management, scheduling for first-come-first basis, scheduling for day ahead transactions, scheduling for transaction for contingency, revision of scheduling, curtailment in case of operational constraints, curtailment priority, determination of capacity in relation to short term open access in intra-State transmission as contained in regulations 3 to 15 in Chapter II of these regulations shall apply mutatis mutandis to the short term open access in distribution.

25. Charges for open access in distribution.—The open access customers shall pay the wheeling charges determined, from time to time, under the Himachal Pradesh Electricity

Regulatory Commission (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2007, for the use of the distribution system.

26. Operating Charges.—Operating charges at the rate of Rs. 2,000 /- per day or part of the day for each transaction of the State Load Despatch Centre, shall be payable by the applicant.

Note 1.—The operating charges include fee for scheduling, system operation and collection and disbursement of charges.

Note 2.—The operating charges collected by the nodal agency shall be in addition to the fees and charges specified by the Commission under sub-section (3) of section 32 of the Act.

27. Surcharge.—(1) In addition to the wheeling charges, an open access customer, other than the captive generating customer, availing open access in distribution shall pay a surcharge specified by the Commission in Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006.

(2) The amount of surcharge shall compensate for the loss in the current level of cross - subsidy from the category of consumers to which the open access customer belongs and shall be paid to the respective distribution licensee of the area of supply.

(3) The surcharge shall be progressively reduced in the manner as specified by the Commission in Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006.

28. Unscheduled Inter-change (UI) Charges.—(1) All transactions for intra-State entities under these regulations, shall be accounted for and included in the respective day-ahead net interchange schedules of the concerned intra-State entity issued by the State Load Despatch Centre.

(2) Based on net metering on the periphery of each intra-State entity, composite UI accounts shall be issued for each intra-State entity on a weekly cycle.

(3) Any mismatch between the scheduled and the actual drawl at drawl points and scheduled and the actual injection at injection points for the intra- State entities shall be determined by the State Load Despatch Centre and covered in the intra-State Availability Based Tariff (ABT).

(4) The UI rate for intra-State entity shall be 105% (for over-drawls or under generation) and 95% (for under-drawls or over generation) of UI intra-State rate.

29. Payment of wheeling charges and operating charges.—The applicant shall deposit with the nodal agency wheeling charges and operating charges within three (3) working days of grant of application.

30. Default in payment of open access charges.—(1) In case of default in payment of the application fee or the charges specified under these regulations, the nodal agency may, in its discretion, decide not to schedule the transaction, or to cancel the scheduling of already scheduled transaction, or not to entertain any application of such persons in future until such time the default is cured.

(2) Notwithstanding the above, the person committing default in payment shall pay simple interest at the rate of 0.04% for each day of default.

31. Reactive Energy Charges.—(1) The payment and receipt of the reactive energy charges by the open access customers shall be in accordance with the relevant provisions of the Grid Code.

(2) The reactive energy draws and injections by the open access customers shall be governed by the relevant provisions of the Himachal Pradesh Electricity Distribution Code, 2009.

32. Collection and disbursement of wheeling charges, and operating charges.—(1) The wheeling charges and the operating charges payable by the persons allowed short-term open access in distribution system shall be collected and disbursed by the nodal agency.

(2) The wheeling charges collected for use of the distribution system for each point of injection and each point of drawal shall be disbursed by the nodal agency in the following manner, namely-

- (a) the distribution licensee- 25%;
- (b) the long-term open access customers -75%;

Provided that the wheeling charges shall be disbursed to the long-term customers in proportion to the monthly wheeling charges payable by them.

33. Obligation of distribution licensee to an open access customer.—(1) Notwithstanding that a customer is availing open access in distribution, the distribution licensee shall allow non-discriminatory flow of energy to such customer in its area.

(2) Upon the expiry of the period of open access availed by a open access customer or earlier termination thereof, the distribution licensee of the area shall commence supply of electricity to such open access customer at such tariff as may be determined by the Commission and on fulfillment of codal formalities of the distribution licensee for connection of the supply.

CHAPTER-IV

MISCELLANEOUS

34. Special Energy Meters.—(1) Special Energy Meters shall be installed by the State Transmission Utility for open access in transmission and by the distribution licensee for open access in distribution for and at the cost of the open access customers.

(2) Special Energy Meters installed shall be capable of time-differentiated measurements for time block wise active energy and voltage-differentiated measurement of reactive energy in accordance with Annexure – 2 of the Grid Code.

(3) Special Energy Meters shall always be maintained in good condition.

(4) Special Energy Meters for the open access customer shall be open for inspection by any person authorised by the State Transmission Utility/ the Distribution Licensee or the State Load Despatch Centre.

35. Energy losses.—(1) The buyers and sellers of the electricity shall absorb apportioned energy losses in the transmission and or distribution system as estimated by the State Load Despatch Centre and applied in accordance with the detailed procedure.

(2) The energy losses shall be accounted for by providing a differential between schedules at the points of supply, and drawal of electricity.

(3) The applicable transmission and distribution losses for the State network shall be declared in advance and shall not be revised retrospectively.

36. Short-term open access not to be granted.—When so directed by the Commission, the nodal agency shall not grant short-term open access to the entities and associates of such entities, who consistently and willfully default in payment of Unscheduled Interchange charges, transmission charges, wheeling charges, surcharge, operating charges, reactive energy charges, and fee and charges for State Load Despatch Centre.

37. Information system.—The State Load Despatch Centre shall post the following information on their websites in a separate web-page titled “Open Access information”:

- (a) these regulations;
- (b) the detailed procedure;
- (c) a list of transactions accepted by the nodal agency, to be displayed till the end of the month in which transactions are scheduled, indicating.-
 - (i) name of customers;
 - (ii) period of the open access granted (start date and end date);
 - (iii) point or points of injection;
 - (iv) point or points of drawal;
 - (v) transmission systems used;
 - (vi) distribution system used;
 - (vii) accepted schedule (MW) with start time and end time.

Note.—The status report shall be updated daily.

- (d) the information regarding average energy losses for the previous 52 weeks;
- (e) transmission charges and applicable transmission losses;
- (f) the list of open access applications for advance scheduling received by the nodal agency which have not been accepted, along- with reasons for denial, to be displayed till one month after the scheduling period;
- (g) the wheeling charges and applicable distribution losses.

38. Communication facility.—An open access customer shall provide for or bear the cost of equipment for communication upto the nearest grid sub-station or the State Load Despatch Centre as may be determined by the nodal agency.

39. Compliance with electricity Codes.—The open access customer shall abide by the State Grid/ Supply/Distribution Code.

40. Redressal mechanism.— (1) All disputes and complaints regarding unfair practices, delays, discrimination, lack of information, supply of wrong information or any other matter relating to open access shall be made to the nodal agency, which shall investigate and endeavour to resolve the grievances within 45 days:

Provided that where the open access customer is not satisfied with the redressal of grievance by the nodal agency, it may approach the Commission, whose decision shall be final and binding.

(2) The Commission may, while deciding the dispute under sub-regulation (1) or otherwise, by a general or special order made from time to time, lay down the conditions to be complied with by the transmission and distribution licensees and the persons seeking open access in regard to operational constraints and the open access shall be allowed only subject to the due satisfaction of such conditions.

41. General conditions.—(1) Nothing in these regulations shall be deemed to limit or otherwise affect the powers of the Commission to make such orders as may be necessary to meet the ends of justice.

(2) Nothing in these regulations shall bar the Commission from adopting a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the force majeure events or in view of the special circumstances of a matter or a class of matters, deems it just or expedient for deciding such matter or class of matters.

(3) Nothing in these regulations shall, expressly or impliedly, restrict the Commission from dealing with any matter or exercising any power under the Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

42. Power to remove difficulties.—If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, direct the transmission licensee/(s), the distribution licensee/(s), the State Load Despatch Centre, the generators, the nodal agency, the State Transmission Utility and the open access customer to take such suitable action, not being inconsistent with the Act, as may appear to the Commission to be necessary or expedient for the purpose of removing such difficulties.

43. Repeal and Savings.—(1) Save as otherwise provided in these regulations, the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005, and sub-regulations (3) and (4) of regulation 32 of HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2007 are hereby repealed.

(2) Notwithstanding such repeal.-

- (a) anything done or any action taken or purported have been done or taken under the repealed regulations shall, in so far it is not inconsistent with the provisions of these regulations, be deemed to have been done or taken under the corresponding provisions of these regulations, and
- (b) the provisions relating to long-term open access customers shall continue to apply till the Commission notifies separately open access regulations covering aspects relating to the long-term and medium customers.

By order of the Commission,
Sd/-
Secretary.

